

REMARKS

In accordance with the foregoing, claims 7, 28, and 44 have been amended to clarify the subject matter thereof, claims 1-6, 12-27, 33-43, and 45 have been cancelled without prejudice or disclaimer, and claims 7-10, 28-31 and 44 are pending and under consideration. No new matter is presented in this Amendment.

CLAIM OBJECTIONS:

Claims 8-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Applicants respectfully request reconsideration.

Regarding the objections, as a general principle, in order to maintain a prima facie rejection for anticipation, the Examiner needs to provide evidence that each feature existed in the prior art reference. MPEP 2131. Moreover, the use of non-structural language has been determined to be compliant with the requirements of 35 U.S.C. §112, as noted in MPEP 2173.05(g), and is otherwise an accepted mechanism of broadly reciting the structure which performs the recited operations. MPEP 2114. As such, in order to maintain a prima facie rejection based on anticipation, the Examiner is required to set forth the structure in the cited reference which performs the recited operational limitation. Therefore, the Examiner's objection that the limitations of claims 8-10 do not distinguish from the prior art, and therefore do not further limit the subject matter is without support in the relevant case law or procedures of the United States Patent and Trademark Office.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 7-10 and 12 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 7-10 and 12, the Applicants have amended the independent claim 7 to incorporate the allowable subject matter of claim 12, amended per the Examiner's suggestions. The Applicants have also cancelled claim 12. The rejection is therefore moot.

Claims 7-10 and 28-31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 7-10, the Applicants have amended independent claim 7 to incorporate the allowable subject matter of claim 12. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claim 28-31, the Applicants have amended independent claim 28 to incorporate the allowable subject matter of claim 33. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Claims 7-10 and 44 are rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 7, the Applicants have amended the claim to incorporate the allowable subject matter of claim 12. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of dependent claims 8-10, the Applicants note that, as a general principle, in order to maintain a prima facie rejection for anticipation, the Examiner needs to provide evidence that each feature existed in the prior art reference. MPEP 2131. Moreover, the use of non-structural language has been determined to be compliant with the requirements of 35 U.S.C. §112, as noted in MPEP 2173.05(g), and **is otherwise an accepted mechanism of broadly reciting the structure which performs the recited operation**. MPEP 2114. As such, in order to maintain a prima facie rejection based on anticipation, the Examiner is required to set forth the structure in the cited reference which performs the recited operational limitation. Therefore, the Examiner's rejection that the operational limitations of claims 8-10 do not provide structural cooperative relationships is without support in the relevant case law or procedures of the United States Patent and Trademark Office. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 44, the Applicants note again that the use of non-structural language has been determined to be compliant with the requirements of 35

U.S.C. §112, as noted in MPEP 2173.05(g), and **is otherwise an accepted mechanism of broadly reciting the structure which performs the recited function.** MPEP 2114.

Furthermore, Applicants note that the subject matter of claim 44 is functional descriptive material embodied on a computer-readable medium, and is explicitly defined as patentable in the MPEP. "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." MPEP 2106.01. Therefore, the Applicants respectfully request that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 7-10, 28-31 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Figure 1 and Background of the Invention in Burd et al. (U.S. Patent No. 6,965,652 B1), hereinafter "Burd," in view of Song et al. (Hongxin Song, Richard M. Todd, and J.R. Cruz, Low Density Parity Check Codes for Magnetic Recording Channels, IEEE TRANSACTIONS ON MAGNETICS, Vol. 26, No. 5, September 2000), hereinafter "Song," in further view of Nakamura (U.S. Patent No. 6,757,865 B1). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 7, it is noted that claim 7 has been amended to incorporate the allowable subject matter of claim 12. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claims 8-10, it is noted that these claims depend from claim 7 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 28, it is noted that claim 28 has been amended to incorporate the allowable subject matter of claim 33. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claims 29-31, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 44, it is noted that claim 44 has been amended to incorporate the allowable subject matter of claim 33. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

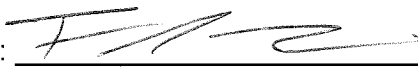
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 6/4/08

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